

VULNERABLE ADULT ABUSE AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill modifies the Offenses Against the Person section of the Utah Criminal Code.

Highlighted Provisions:

This bill:

- ▶ makes technical changes to provide consistency with other sections of the Utah Code.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-111.1, as enacted by Chapter 130, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-111.1** is amended to read:

76-5-111.1. Reporting requirements -- Investigation -- Immunity -- Violation -- Penalty -- Physician patient privilege -- Nonmedical healing.

(1) Any person[~~, including but not limited to, a social worker, physician, psychologist, nurse, teacher, or employee of a private or public facility serving adults;~~] who has reason to believe that any [~~disabled or elder~~] vulnerable adult has been the subject of abuse, [~~emotional~~



or ~~psychological abuse,~~] neglect, or exploitation shall immediately notify the nearest peace officer, law enforcement agency, or ~~[local office of]~~ Adult Protective Services intake within the Department of Human Services, Division of Aging and Adult Services.

(2) Anyone who makes that report in good faith or otherwise notifies a law enforcement agency, the Division of Aging and Adult Services, or Adult Protective Services of suspected abuse, neglect, or exploitation is immune from civil and criminal liability in connection with the report or other notification.

(3) (a) When the initial report is made to a peace officer or law enforcement agency, ~~[and the disabled or elder adult requires protection,]~~ the officer or law enforcement agency shall immediately notify ~~[the nearest local office of]~~ Adult Protective Services ~~[and that office]~~ intake. Adult Protective Services and law enforcement shall coordinate ~~[its investigation with law enforcement]~~, as appropriate, their investigations and provide protection to the ~~[disabled or elder]~~ vulnerable adult as necessary.

~~[(b) When the initial report involves a resident of a long-term care facility, as defined in Section 62A-3-202, the local long-term care ombudsman within the Department of Human Services, Division of Aging and Adult Services, shall be immediately notified. The ombudsman and the local Adult Protective Services office shall cooperate in conducting the investigation.]~~

~~[(c)]~~ (b) When the initial report or subsequent investigation by ~~[an]~~ Adult Protective Services ~~[office]~~ indicates that a criminal [abuse, neglect, or exploitation, as defined in Section 76-5-111 has] offense may have occurred, ~~[or that any other criminal offense against a disabled or elder adult has occurred, the local]~~ against a vulnerable adult, Adult Protective Services ~~[office]~~ shall immediately notify the nearest local law enforcement agency. That law enforcement agency shall initiate an investigation in cooperation with ~~[the local]~~ Adult Protective Services ~~[office]~~.

(4) A person who is required to report suspected abuse, ~~[emotional or psychological abuse,]~~ neglect, or exploitation of a ~~[disabled or elder]~~ vulnerable adult under Subsection (1), and who willfully fails to do so, is guilty of a class B misdemeanor.

(5) Under circumstances not amounting to a violation of Section 76-8-508, a person who threatens, intimidates, or attempts to intimidate a vulnerable adult who is the subject of a report, a witness, the person who made the report, or any other person cooperating with an

59 investigation conducted pursuant to this chapter is guilty of a class B misdemeanor.
60 (6) The physician-patient privilege does not constitute grounds for excluding evidence
61 regarding a vulnerable adult's injuries, or the cause of those injuries, in any judicial or
62 administrative proceeding resulting from a report made in good faith pursuant to this part.
63 (7) An adult is not considered abused, neglected, or a vulnerable adult for the reason
64 that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of
65 medical care.

Legislative Review Note
as of 9-19-03 8:10 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Vulnerable Adult Abuse Amendments***28-Jan-04***Bill Number HB0179***10:46 AM*

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst